

UNITED STATES OF AMERICA  
Before the  
SECURITIES AND EXCHANGE COMMISSION  
Washington, D.C. 20549

ADMINISTRATIVE PROCEEDINGS RULINGS  
Release No. 1354/April 1, 2014

ADMINISTRATIVE PROCEEDING  
File No. 3-15799

In the Matter of

MICHAEL D. MONTGOMERY

ORDER POSTPONING HEARING

On March 18, 2014, the Securities and Exchange Commission issued an Order Instituting Administrative Proceedings (OIP) pursuant to Section 15(b) of the Securities Exchange Act of 1934 and Section 203(f) of the Investment Advisers Act of 1940, alleging that Michael D. Montgomery (Montgomery) was convicted of wire fraud and filing a false tax return in United States v. Montgomery, No. 3:11-CR-5156-RJB (W.D. Wash. Dec. 27, 2012). The OIP further alleges that Montgomery was sentenced to a prison term of 60 months followed by three years of supervised release, and ordered to make restitution in the amount of \$995,811. U.S. Postal Service tracking information shows that the OIP sent certified mail was delivered on March 24, 2014, at a location in Florence, Colorado—presumably, Montgomery’s prison, USP Florence ADMAX, U.S. Penitentiary Satellite Camp. However, it is uncertain when and whether Montgomery received the OIP. In a communication to my Office on March 31, 2014, Division of Enforcement (Division) counsel stated that he was attempting to contact Montgomery, who is pro se.

**Ruling**

For reasons that are obvious, I POSTPONE the hearing scheduled to begin on April 10, 2014, and direct the Division to contact Montgomery’s case manager to determine when Montgomery would be available to participate in a telephonic prehearing conference. Montgomery is on notice that I will find him in default if he does not file an Answer to the OIP within twenty days after service of the OIP, participate in a telephonic prehearing conference, or otherwise defend the proceeding. See 17 C.F.R. §§ 201.155(a), .220(f), .221(f); OIP at 2-3.

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Brenda P. Murray  
Chief Administrative Law Judge